

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

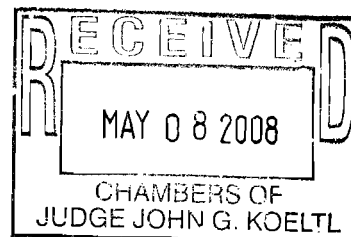
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May 8, 2008

BY FACSIMILE (212) 805-7912

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



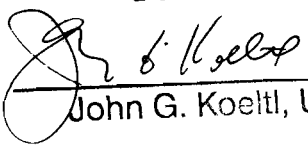
Re: Eugene Frazier and William Gonzalez v. City of New York, et al.,
08 Civ. 3472 (JGK)(JCF)

Your Honor:

I am Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. I write with respect to the above-referenced matter in which plaintiff alleges that his constitutional rights were violated by defendants. This Court previously granted defendant City's application that it be allowed to answer or otherwise respond to the complaint by June 30, 2008.

I note for the Court's information that according to the civil docket sheet, the other named defendant in this action, Detective George Henges, was purportedly served with process on May 2, 2008, making his response to the complaint due on May 22, 2008. This office has not discussed with Detective Henges the manner of service and we make no representation herein as to the adequacy of service upon him. A decision concerning this Office's representation of Detective Henges has not yet been made. However, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of Detective Henges to June 30, 2008 as well. Such would also avoid the filing of several separate answers or other responses to the complaint.

**APPLICATION GRANTED
SO ORDERED**

5/8/08 
John G. Koeltl, U.S.D.J.

The enlargement will allow this office time to conduct an inquiry to determine whether it could represent Detective Henges. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). Detective Henges must then decide whether he wishes to be represented by the Corporation Counsel, see Dunton v. County of Suffolk, 729 F.2d 903 (2d Cir. 1984). Only then can this office interview him for the purposes of responding to the complaint.

No previous request for an extension has been made by Detective Henges. Plaintiff's counsel has no objection to the Court *sua sponte* extending Detective Henges' time to respond to the complaint to June 30, 2008.

Thank you for your consideration herein.

Respectfully submitted,



Mark D. Zuckerman
Senior Counsel

cc: Jeffrey A. Rothman, Esq. (Via Facsimile)